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MEMO ENDORSED

January 25, 2023

Sent Via ECF and Email

Honorable Judge Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007
Email: CaproniNYSDChambers@nysd.uscourts.gov

RE: *An et al. v. Despins, et al.*, Case No. 22-cv-10062-VEC (S.D.N.Y.)

Dear Judge Caproni:

The undersigned is one of the attorneys for the Plaintiffs in the above-referenced matter. I write to respond to your notice to counsel regarding your social contact with Defense Counsel Greg Andres.

Thank you very much for your candor regarding this subject. Your honesty is greatly appreciated. That being said, after conferring with my co-counsel, and our clients, we are of the view that your recusal from the case would be the more appropriate action, and as such we are hereby requesting the same.

Sincerely,



Richard N. Freeth

CC: Greg Donald Andres (greg.andres@davispolk.com)

Gina Marie Cora (gina.cora@davispolk.com)

Yongbing Zhang, Esq. (yzhang@ybzlaw.com)

If Defendants wish to respond to Plaintiffs' request for the Undersigned to recuse herself, any such response is due by **Tuesday, January 31, 2023**.

The initial pretrial conference scheduled for January 27, 2023, is hereby CANCELLED.

The parties' joint request to extend the briefing deadlines for the pending motion to dismiss and motion for sanctions is GRANTED. Plaintiffs' responses are due on **February 8, 2023**, and Defendants' replies are due on **February 15, 2023**. All discovery deadlines are STAYED pending resolution of these motions.

Plaintiffs have already amended their complaint once as a matter of course. Am. Compl., Dkt. 10. Federal Rule of Civil Procedure 15(1) provides that Plaintiffs may amend the pleading once (1) within 21 days of service of the complaint or (2) 21 days after service of a responsive pleading or Rule 12 motion. Because Plaintiffs have already amended the complaint within 21 days of service, Plaintiffs have already used their one opportunity to amend the complaint as a matter of course. If Plaintiffs seek to again amend their complaint, they must file a motion, including a memorandum of law and any supporting exhibits or declarations, for leave to do so.

SO ORDERED.



01/26/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

Sincerely,

Richard Freeth, Esq.
Freeth & Associates, LLC